PART IV

Section 2-C— i)

GENERAL STATUTORY RULES ISSUED BY THE STATE GOVERNMENT UNDER THE CENTRAL ACTS AND STATE ACTS AND RULES MADE BY THE GOVERNOR UNDER THE CONSTITUTION.

PUBLIC HEALTH, LABOUR AND MUNICIPAL ADMINISTRATION SECRETARIAT.

NOTIFICATION.

Bangalore, dated 23rd January 1965.

G.S.R. 373.—In exercise of the powers conferred by Section 12 of the Mysore Industrial Establishment (National and Festival Holidays) Act, 1963 (Mysore Act No. 24 of 1963), the Government of Mysore hereby makes the following Rules, namely :—

THE MYSORE INDUSTRIAL ESTABLISHMENTS (NATIONAL AND FESTIVAL HOLIDAYS) RULES, 1964.

1. Title.—These rules may be called the Mysore Industrial Establishments (National and Festival Holidays) Rules, 1964.

2. Commencement.—These rules shall come into force at once.

3. Definitions.—In these rules unless the context otherwise requires,—

(*a*) "Act" means the Mysore Industrial Establishments (National and Festival Holidays) Act, 1963 ;

(*b*) "Form" means a form appended to these Rules;

(*c*) "Section" means a section of the Act;

(*d*) All other words and expressions used herein and not defined shall have the meaning respectively assigned to them under the Act.

4. Statement of holidays to be furnished by Employer.— Within thirty days from the date of publication of these rules in the Official Gazette in the case of industrial establishments existing on such date and within thirty days from the date of commencement of its work in the case of new industrial establishments, the employer of the industrial establishment shall submit to the Inspector for approval, an application in Form I indicating the festival holidays which he intends to declare as paid holidays during the calendar year:

Provided that in the case of the holidays to be allowed for each succeeding calendar year, such application shall be submited to the Inspector before the end of November every year.

5. Consultations by Inspector with employees.—As soon as may be after he receives the application under Rule 4 in respect of an industrial establishment, the Inspector shall, where there is a registered trade union or unions of workmen forward to such union or unions the list of festival holidays proposed by the employer together with a notice in Form II, and where there is no such trade union, require the employer to display a copy of the list of festival holidays and a notice in Form III on the notice board of the establishment.

6. Objections or suggestions by employees.—The trade union or where there is no such trade union the workmen of an industrial establishment may prefer objections or suggestions about the festival holidays proposed by the employer.

7. Approval of Inspector.—Where objections or suggestions about the festival holidays proposed by the employer are received by the trade union or the workmen, as the case may be, the Inspector shall, after giving an opportunity to the employer to make any representation in respect of such objections or suggestions, and after considering the objections or suggestions, and the representation of the employer, approve the list with such alterations as he deems necessary. The approved list of the festival holidays shall be communicated to the employer and the union or the workmen, as the case may be within five days of the approval of the list.

8. Statement of holidays to be displayed before 31st December.—Before the thirty-first day of December every year the employer shall display in a conspicuous place in the establishment a statement as required by section 4 showing the holidays allowed under section 3 for the succeeding calendar year in Form IV in English and in the language understood by the majority of the workers employed in the industrial employment.

9. Wages to be paid on holidays.—For the purpose of clause (i) of sub-section (3) of section 5 the daily average wage of an employee shall be calculated at a rate equal to the daily average of his total full-time wages for the days on which he has worked in the industrial establishment during the thirty days immediately preceding the holiday granted under section 3.

10. Duties of Inspectors.—An Inspector shall at each inspection of an industrial establishment satisfy himself—

(*a*) that the statement as prescribed under rule 8 has been displayed;,

(*b*) that the muster roll prescribed in rule 12 is correctly maintained;

(*c*) that the amount of holiday wages has been paid.

11. Annual returns.—Every employer of an industrial establishment shall before 31st January of every year submit to the Inspector having jurisdiction, an annual return in Form V for the year ending 31st December immediately preceding.

12. Muster Roll.—(1) Every employer of an industrial establishment shall maintain a Muster Roll in Form VI:

Provided that if the Inspector is of opinion that any muster roll or register maintained as part of the routine of an industrial establishment gives in respect of any or all the employed persons in that industrial establishment the particulars required in the form prescribed under this sub-rule, he may by order in writing direct that such muster roll or register shall to the corresponding extent be maintained in place of and be treated as the register required to be maintained under this sub-rule.

(2) All entries in the muster roll shall be made in ink and maintained up-to-date and it shall be made available for inspection by the Inspector on the premises during working hours.

(3) The employer may enter in the muster roll such other particulars as may be required for any other purposes.

13. Penalties :—Any person who contravenes the provisions of Rules 4, 8, 9, 11 or 12 shall be punishable with fine which may extend to fifty rupees.

FORM I

(*See* Rule 4)

To

The Inspector under the Mysore Industrial Establishments (National and Festival Holidays) Act, 1963.
(Here enter the designation of the Officer and Station).

Sir,

Under rule 4 of the Mysore Industrial Establishments (National and Festival Holidays) Rules, 1964...I append below a list of festival holidays proposed for adoption in...(Here enter the name and place of the Industrial establishment) an industrial establishment owned/controlled by me with a request that these holidays may be approved under the terms of the Mysore Industrial Establishments (National and Festival Holidays) Act, 1963 and the Rules thereunder.

Yours faithfully,

(*Signature*),

Employer.

List of Festival Holidays.

(here enter the list)

FORM II

(*See* Rule 5)

Notice under Rule 5 of the Mysore Industrial Establishments (National and Festival Holidays) Rules, 1964.

Place.....

Date.....

I, Inspector under the Mysore Industrial Establishments (National and Festival Holidays) Act, 1963 append below a list of (Here enter the name and place of industrial establishment) and submitted to me for approval under the Mysore Industrial Establishments (National and Festival Holidays) Act, 1963. Any objections or suggestions which the workmen may desire to make to the list of holidays should be submitted to me within ten days from the receipt of this notice.

Inspector

(Designation of the Officer).

To

The Secretary,

Union.

LIST OF FESTIVAL HOLIDAYS

(Here enter the list)

FORM III

(*See* Rule 5)

NOTICE

The employer of the ..... (here enter name of the Industrial Establishment) has submitted to the Inspector under the Mysore Industrial Establishment (National and Festival Holidays) Act, 1963 (here enter the designation and address of the officer), the appended list of Festival Holidays, proposed by him for adoption in his industrial establishment. Any objection or suggestion which any workman in the establishment desires to make to the list of holidays should be submitted to me within ten days from the date of publication of the notice. If no objection or suggestion is received within ten days from the date of publication of this notice, it will be deemed that the workmen have no objections to make.

Inspector and..... (here enter the designation)

Place.....

Date..... (List of Festival Holidays)

FORM IV

(*See* Rule 8)

NOTICE

The person employed in the Establishment/Factory/Plantation etc. (*) shall be given holidays on the National and Festival days mentioned below during the calendar year 19.....

1. 26th January.
2. 15th August.
3.
4.
5.
6.
7.

(*) Strike out the words which are not applicable.

Signature of Employer.

Date

FORM V

(*See* Rule 11)

Annual return for the year ending 31st December 19... ..

1. Name of Factory/Plantation/Establishment, etc.,
2. Name of Occupier :
3. Name of Manager ;
4. District :
5. Postal Address :
6. Name of Industry.
7. Total number of persons employed during the year...

   Men :.....

   Women :.....

   Children.....

8. Number of person who were paid wages for the National and Festival holidays (separate figures for each day may be furnished).

   26th January.....

   ....

   15th August... .....

   .....

   .....

9. Total amount :

(Separate figures for each day may be furnished).

Certified that the information furnished above is to the best of my knowledge and belief correct.

Singnature of Employer.

[No. PLM 189 LLE 63.]

By Order and in the name of the Governor of Mysore,

410 N. S. RAMACHANDRA, *Secy to Govt. P. H., Labour & Ml. Admn. Deptt.*